

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BUILDING INDUSTRY ASSOCIATION—
BAY AREA,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. 15-cv-03392-VC

ORDER RE: MOTION TO DISMISS

Re: Dkt. No. 45

The parties are ordered to file letter briefs addressing whether Building Industry Association—Bay Area has adequately alleged that one or more of its members has suffered an actual injury or that injury is imminent. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 564 (1992) ("'[S]ome day' intentions—without any description of concrete plans, or indeed even any specification of *when* the some day will be—do not support a finding of the 'actual or imminent' injury that our cases require."); *Carrico v. City and County of San Francisco*, 656 F.3d 1002, 1006-07 (9th Cir. 2011). The association's letter brief should also describe the additional facts it could allege in support of standing, in the event the Court concludes that the current iteration of the complaint must be dismissed for failure to adequately allege Article III standing.

The letter briefs should be no longer than five pages, and should be filed by October 23, 2017, at 5 p.m.

IT IS SO ORDERED.

Dated: October 18, 2017

A handwritten signature in black ink, appearing to read 'VCH', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge